

Proceeding Docket: 09-191

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I fully support the FCC's goals in ensuring an Open Internet and I believe that last mile carriers have sufficient capability to innovate their service offerings for last mile delivery while being able to compete fairly with other content providers, regardless of the network the end user is on.

In regards to the following policy approaches:

Section I(A): Definitional clarity of broadband internet services: The definition should encompass the intent that Internet access is access to those lawful services that end users would have access to regardless of the broadband carrier in use. Specialized services are those services that are only available to customers or uses of the current last mile or broadband service provider.

Broadband companies, regardless of technology, should be compelled to advertise actual, guaranteed speeds in Bits Per Second from the customer equipment to the broadband providers edge(I(B)). The specification should be defined as normal or expected capacity rather than theoretical maximums. The advertised claims should be provable Section I(C).

Sections I(D) and I(E): Services that are restricted to the carrier's own approved content and services, either sourced from the Internet or from internal content systems), should be advertised as such and no mention of Internet access made.

I think section Section I(F) embodies the best option for everyone where the carriers can provide specialized services that are clearly defined as carrier provided services, or partner services. At the same time, the carrier can provide Internet access with the guarantees and measurability describes in IB and IC.

Section II: In general, wireless services should be treated no differently than wired services. The Internet Service Provider industry had similar issues in the 1980's and 1990's when dial-up and broadband services suffered from oversubscription and network congestion. Advances in traffic engineering and increasing speeds and feeds alleviated most of those issues. The wireless industry is in a similar position today and in time, the speeds and feeds will increase as will cell tower capacity. However, the decisions the FCC makes today will have long term impact even after the wireless capacity is increased.

Excluding wireless connectivity from transparency requirements is a net loss of the consumer. Internet access, regardless of medium, should enjoy the same protections whether wired or wireless. Frankly, the wireless carriers have incentive to provide robust, fast, reliable service, even if they are required to support an open Internet access policy because customers will leave a service that is slow. Look at the out rage of AT&T iPhone customers when the service was first enabled.

Wireless carriers should be allowed to offer tiered broad band services and Section II (B) be required to state clearly in their sales literature both on their web sites, stores, and printed material what the limit is and how it is measures. For example, if the bandwidth cap it five gigabytes per month , then it should be stated as such with disclosure of overage fees. In addition, carriers should have a method to let the customer make an active choice, if they are going to exceed their bandwidth caps, to incur the extra fees each and every time.

Ensuring open access to the Internet is a national good and should be protected.